



PUBLIC NOTICE

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DA 02-2289

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON FARMERS CELLULAR TELEPHONE, INC. PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN ALABAMA

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: September 16, 2002

Comment Date: September 26, 2002

Reply Comment Date: October 3, 2002

On September 6, 2002, Farmers Cellular Telephone, Inc. (Farmers) filed with the Commission a petition under section 214(e)(6) seeking designation as an eligible telecommunications carrier (ETC) to receive federal universal service support for service offered throughout its licensed service area in the state of Alabama.¹ Specifically, Farmers contends that: (1) the Alabama Public Service Commission (Alabama Commission) has provided an affirmative statement that it does not regulate commercial mobile radio service (CMRS) carriers and that Farmers should apply to the Commission for ETC designation;² (2) Farmers satisfies all the statutory and regulatory prerequisites for ETC designation;³ and (3) designating Farmers as an ETC will serve the public interest.⁴ The Wireline Competition Bureau seeks comment on the Farmers Petition.

¹ See *Farmers Cellular Telephone, Inc. Petition for Designation as an Eligible Telecommunications Carrier*, filed September 6, 2002 ("Farmers Petition"). Farmers filed a Petition for Designation as an Eligible Telecommunications Carrier on July 23, 2002, but withdrew the petition and filed an amended petition in its place on August 19, 2002, with an Errata to the Amended Petition filed August 26, 2002. Subsequently, Farmers withdrew the amended petition and filed the instant petition in its place on September 6, 2002. The instant petition requests that the filing date of the petition be effective September 6, 2002.

² See *id.* at 3-4; Exhibit 1, Letter from Administrative Law Judge, John A. Garner to Azita Sparano, dated January 15, 2002.

³ See *id.* at 3-10; Exhibit 2.

⁴ See *id.* at 10-11.

The petitioner must provide copies of its petition to the Alabama Commission at the time of filing with the Commission. The Commission will also send a copy of this Public Notice to the Alabama Commission by overnight express mail to ensure that the Alabama Commission is notified of the notice and comment period.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before September 26, 2002, and reply comments on or before October 3, 2002. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to <ecfs@fcc.gov>, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20054.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte*

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

communications are permitted subject to disclosure.

For further information, contact Romanda L. Williams, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.

